

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERADATA CORPORATION, et al.,  
Plaintiffs,  
v.  
SAP SE, et al.,  
Defendants.

Case No. 18-cv-03670-WHO (JCS)

**ORDER GRANTING IN PART  
DISCOVERY MOTION**

Re: Dkt. No. 338

Teradata has filed a motion to compel SAP to produce a Rule 30(b)(6) witness to testify to SAP's efforts to preserve and produce documents (the "Motion"). Dkt. 338. The court held a hearing on December 4, 2020, and for good cause the Motion is GRANTED IN PART as follows:


1. By Friday, December 11, 2020, SAP shall produce a fact declaration and any relevant non-privileged documents regarding each of the following: (1) the factual basis for the warning letter to Mr. Zenus; (2) the results of SAP's investigation into the disposition of Mr. Sauer's external hard drive, his SAP computer, and the data on those devices; and (3) the results of SAP's investigation into the disposition of Mr. Schroeder's laptop that was returned to SAP in 2013 and the data on that device.
2. By Monday, December 7, 2020, SAP and Teradata shall submit briefs, limited to two pages, addressing whether the General Data Protection Regulation (GDPR) requires SAP to secure permission from its employees (or others) in GDPR jurisdictions or to take other steps before performing a search (without reviewing the contents of the resultant documents) of its Office 365 system for all e-mails sent to and from

Mr. Schroeder, Mr. Henkes, and Mr. Latza between 2008 and 2013. Upon reading these briefs, the Court will decide whether to order such a search.

3. By December 11, 2020, the parties shall submit (1) a two-page joint letter concerning their positions on the one disputed term in the proposed ESI order and (2) a red-lined version of the proposed ESI order showing the parties' competing versions.

**IT IS SO ORDERED.**

Dated: December 4, 2020.

  
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JOSEPH C. SPERO  
Chief Magistrate Judge